



# Town of Boylston Planning Board [planning@boylston-ma.gov](mailto:planning@boylston-ma.gov)

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## MEETING MINUTES JANUARY 6, 2014

CHAIRMAN: William Manter

MEMBERS PRESENT: Kim Ames – 7:10 arrival, Laurie Levy, Ralph Viscomi

MEMBERS ABSENT: Richard Baker

RECORDER: Nina Gardner

Mr. Manter called the meeting to order at 7:04 p.m.

Mr. Manter informed the Board that Verizon has leased space on the existing cell tower at 221 Main St and has secured a building permit from the Building Department to change the antennae configuration. Earlier this month, Town Counsel informed Mr. Manter that a new ruling by the FCC further interpreting the Federal Communications Act of 1996, now allows wireless carriers to circumvent local review processes for changes deemed "minor" by the FCC. In December of 2012, Verizon withdrew their request (without prejudice) to build a cell tower at 599 Main Street.

The Board reviewed the Meeting Minutes of November 4, 2013. Mr. Viscomi motioned to accept the minutes as written and Ms. Levy seconded. All voted in favor.

### **Maurice Edwards, 153 Linden Street – Public Hearing Special Permit Accessory Apartment-**

The applicant is applying for a Special Permit to finish a room over an existing garage and use as an Accessory Apartment for his mother. He meets the requirements stated in the zoning laws. He acknowledged the Special Permit is only for the applicant and is not transferrable if the property is sold. The Health Agent, Dennis Costello, sent an email stating the septic on the property could support the Accessory Apartment. There was brief discussion regarding parking. There were no questions or comments.

Ms. Levy motioned to close the Public Hearing and Mr. Viscomi seconded; all voted in favor. Ms. Levy motioned to approve the application for a Special Permit for an Accessory Apartment and Mr. Viscomi seconded; all voted in favor. Mr. Viscomi endorsed the application as Clerk and a Notice of Decision and the application will be given to the Town Clerk and Mr. Edwards

will receive his copy after the 20- day appeal period and the Board decided not to set a special permit fee, at this time, for applications seeking Accessory Apartments.

**Nature's View, 383 Sewall Street – Wayne Belec of Waterman Design** – Also present were Shawn Goulet, owner and Todd Brodeur of Fletcher Tilton on behalf of the Goulets and Stephen Madaus, Town Counsel. Mr. Belec presented the final plans for a 6 home subdivision. He reviewed some of the Board's earlier waivers and conditions of approval as follows:

# 6 – Noted on the Plan

#24 – Noted on plan – limited to six lots unless new plans are submitted (sheet 3)

#25 - All homes will be single family homes as stated under the Restrictive Covenants (sheet 3)

#26 - On Street Parking shall be limited to one side (south) on sheet 7 – No Parking Signs will be placed on North side. Attorney Madaus stated the No Parking Signs have to be accepted by the Town.

#27 – Sidewalk relocated at the Lewises – no closer than 3 feet at 381 Sewall and the Cul de sac and bulb – the rest 4 feet.

The Goulets have requested the street be called "Nature's View Way". The decision is made by the Selectmen upon recommendation from the Planning Board and Fire Department which both have agreed to approve.

Attorney Brodeur mentioned Mr. Baker's email and concurred that a Restrictive Covenant would be the appropriate choice for the Goulets and that the Mortgagee representative, Robert Kelley, did provide documentation to subordinate the mortgage to the Covenant. No lot shall be built on until utilities are installed and way is completed. If the Covenant is signed by the Owner and the Bank and accepted by the Planning Board, endorsed as approved and recorded, it will allow the Developer to construct and complete the way.

The Planning Board agreed with the Owner that the project will be completed five years from the date the Certificate of Approval was filed, which will be 2018. Attorney Madaus changed the draft from seven years to five. Funds were deposited in December by the Goulets to their 53G account to cover expenses for Graves Engineering to review the road and that process was completed. There was discussion regarding a Covenant versus a tri- party agreement. Town Counsel accepts the Covenant as written with the one change of completion date and if the board wishes to approve, it is subject to signatures. The Board could authorize the Clerk to sign for the Board. Attorney Brodeur feels at this time the Covenant is the best choice, but at some time in the future, they may choose to have a Bond.

The Plan was endorsed to be recorded. Electrical easements will be determined at a later date. There was a discussion regarding Covenant could be signed by the Owner of each property and the Bank. Lots shall be released as inspected. The Covenant can be endorsed and recorded.

Attorney Madaus will hold in trust, the plan which was endorsed tonight, until the following documents are properly executed and approved by Town Counsel. The documents are the Covenant, Declaration of Maintenance Trust and Conveyance of Drainage Easement to the Town when the property is deeded.

Attorney Brodeur and Attorney Madaus reviewed the Declaration of Restrictive Covenants and the Maintenance Trust for Nature's View. The Homeowners will be responsible for the maintenance of Storm Water Drainage Systems. Attorney Madaus stated the concept of the changes are fine and added some language. The three year term on open space was discussed and is acceptable and noted in the Covenants. It will be referenced on the Title of each owner.

The Maintenance Trust Declaration of Trust and Deed of Easements were reviewed by Counsel and Attorney Madaus stated the document was acceptable with minor changes. Mr. Viscomi questioned the need for the Town to have an easement for detention basins if the Homeowner's Association defaulted. Mr. Belec stated there are drainage easements and there is access from Nature's View Way which meets Massachusetts DEP requirements. There was further discussion regarding easement and language can be accepted when the street is accepted by the Town. When Deeds are conveyed, the rights of way would be added.

There was a brief discussion of documents and titles being registered at Registry of Deeds. Mark Barakian of the Light Department was present and electrical easements were discussed with him. Mr. Belec showed where the transformers would be located. Mr. Belec will coordinate an easement plan.

There was a brief discussion regarding procedure to approve the Plan. Attorney Madaus will hold the Plan in Escrow pending receipt of the properly executed Covenant, Declaration of Maintenance Trust, and Conveyance of Drainage Easement.

There was a discussion regarding wording for motions to be made and Attorney Madaus recommended the following wording be used: to accept the Restrictive Covenant in accordance with M.G.L. c.41 81U and to endorse the Plan to be held by Town Counsel pending receipt of the executed documents and approved as to legal form and authorize the Clerk to sign the Covenant on behalf of the Board. The Motion for Clerk to sign would be free standing so it can be attached to the document for the Registry of Deeds.

Mr. Viscomi motioned to allow the Chairman to accept the Covenant, pending receipt of it being fully executed and received by Town Counsel. Ms. Levy seconded and all voted in favor unanimously.

Ms. Levy made a motion to authorize the Chairman, upon receipt of the Covenant being signed by the Owner and Mortgagee, to sign the Covenant on behalf of the Planning Board. Mr. Viscomi seconded. No vote was taken. At that point, Ms. Ames pointed out it is the Clerk, not the Chairman, who would sign the document.

Ms. Levy made an amended motion that the Clerk is authorized to sign the Restrictive Covenant as accepted, on behalf of the Board, when fully executed. Ms. Ames seconded and all voted in favor unanimously.

Mr. Viscomi motioned that the Board approve the Plan to be held in escrow by Town Counsel pending receipt of the fully executed Covenant, Maintenance Trust and Declaration of Restrictive Covenant in acceptable legal form. Ms. Ames Seconded; all voted in favor unanimously.

Ms. Levy motioned to authorize the Clerk to sign the Restrictive Covenant on behalf of the Board once approved by Town Counsel. Mr. Viscomi seconded; all voted in favor unanimously.

Ms. Levy gave an update on the Business Marketing Committee Meeting which she attended. One of the issues discussed was Industrial Park. The Planning Board discussed zoning regarding Industrial Park. The Board briefly discussed the sewerage issue and potential use of the lots by businesses.

Mr. Manter gave a brief update on Solar Panels. Mr. Manter is not ready to proceed with anything for Town Meeting. Mr. Manter will be attending the Spring Conference of the Central Mass Planning at Holy Cross and will try to get as much information as possible on Solar Panels. There was a discussion with Mark Barakian of the Light Department regarding provision of power. The Board will look at how homeowners could have solar power, what would be allowed and how the Town will handle that with power provider and the purchase of power.

Motion by Ms. Ames to adjourn at 8:48 p.m.; seconded by Ms. Levy.  
All voted in favor.

**Meeting Materials:**

Nature's View Subdivision Covenant in Accordance with M.G.L. c 41 81U (on file in PB office)

Nature's View Maintenance Trust Declaration of Trust and Deed of Easements (on file in PB office)

Nature's View Declaration of Restrictive Covenant (on file in PB office)

Letter from Grave's Engineering dated December 13, 2013 re: Nature's View Construction Estimate (on file in PB office)

Meeting Minutes Nature's View Way and Graves Engineering dated December 11, 2013 (on file in PB office)

Email dated January 4, 2014 from Richard Baker re: Nature's View (on file in PB office)

Email dated November 26, 2013 from Dennis Costello re: 153 Linden Street septic (on file in PB office)

Application for Accessory Apartment 153 Linden Street (on file in PB office)